

REMARKS

The Office action of January 7, 2010, has been carefully considered.

Applicants acknowledge withdrawal of the previous restriction requirement, and examination of all claims.

Objection has been raised to the abstract as exceeding 150 words, and the abstract has now been revised as requested.

Claim 15 has been rejected under 35 USC 112, second paragraph as being indefinite. The Examiner has interpreted Claim 15 in accordance with the specification as requiring that the breakoff zone break under an applied force during cooling, and Claim 15 has now been amended to recite that a force is applied as soon as the temperature of the plastic material becomes close to a vitreous transition during the breakoff zone. Withdrawal of this rejection is requested.

Claims 14 and 16-21 have been rejected under 35 USC 103(a) over Schneider et al in view of Magerle, while Claim 15 has been rejected under 35 USC 103(a) over Schneider et al in view of Magerle and Hwang et al, and Claims 22-26 have been rejected under 35 USC 103(a) over Schneider et al in view of Magerle, Axelrad and Toulmin.

Claim 14 has now been amended to recite that the method utilizes continuously moving tools, as recited in paragraph [0012] of the application as published.

Claim 14 has further been amended to incorporate the recitations of Claim 18, which has been canceled, Claim 14 now reciting that the application of mechanical force to the application zone causes a wall of the top wall to detach, this wall being torn off after molding and removed by applying an axial thrust.

Claim 20 has also been canceled, as it was considered to be inconsistent with the combination of Claims 14 and 18.

The Schneider et al reference is directed to a container

in the form of a flexible tube, manufactured with detachable a cover that is reusable as a cap. Schneider et al is directed to the manufacturing process for the flexible tube in which the opening of the tube is done by the end user with an unscrewing motion, as disclosed at column 9, lines 37-40. This tube is a toothpaste package, as disclosed at column 9, lines 26-28, which is filled, sealed and sent to the consumer, who opens the tube using the unscrewing motion mentioned.

Hence, the opening of a container during the manufacturing process, in which continuously moving tools are utilized, is neither disclosed nor suggested by Schneider et al.

The Office action takes the position that since Schneider et al discloses removal of the closure by hand after twisting, an axial thrust is to be expected. However, the technical problem to be solved by Schneider et al is totally different from that of the claimed invention, and the twisting movement disclosed by Schneider et al is not comparable to opening a container as part of the claimed compression molding method.

Hence, Schneider et al does not disclose or suggest an improvement in a compression molding method utilizing continuously moving tools, with the removal of a portion of the tube produced in Schneider et al taking place long after the production method, by the end user.

The Magerle reference does disclose a process for compression molding, but does not address the application of a mechanical force in order to break a specific part of the product to open an orifice. Thus, Magerle also does not address the same technical issues solved by the claimed invention, and is not relevant to the claimed invention.

Hwang et al is cited for teaching of a plastic manufacturing process utilizing the transition between solid and molten states to obtain a predictably clean break at the

interface, as discussed in paragraph [0037]. Even if this allegation is correct, it is impossible to apply the teachings of Hwang et al to Schneider et al, in which the break off cited is made by the end user, and occurs long after the manufacturing process. Note that according to the claimed invention, force is applied *as soon as the temperature of the plastic material becomes close to a vitreous transition temperature in the breakoff zone*. Applying this principle to Schneider et al would completely defeat the purpose of Schneider et al, to have the end user perform the breakoff.

Thus, the teachings of Hwang et al do not and cannot cure the defects of the Schneider et al and Magerle references.

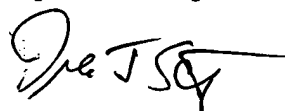
Axelrad has been cited to show elastomeric molds, and Toulmin has been cited to show that it was known in the art to utilize plastic dies. However, Axelrad only addresses obtaining molds of elastomeric materials, and does not address the opening of the product through application of an axial thrust. Hence, Axelrad does not cure the defects of Schneider et al and Magerle.

Similarly, Toulmin only addresses the use of plastic dies, and also does not cure the defects of Schneider et al and Magerle.

Withdrawal of these rejections is accordingly requested.

In view of the foregoing amendments and remarks, Applicants submit that the present application is now in condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Ira J. Schultz', with a long horizontal flourish extending to the right.

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